

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIVA OPTIQUE, INC.

Plaintiffs,

-against-

CONTOUR OPTIK, INC. and
ASPEX EYEWEAR, INC.

Defendants.

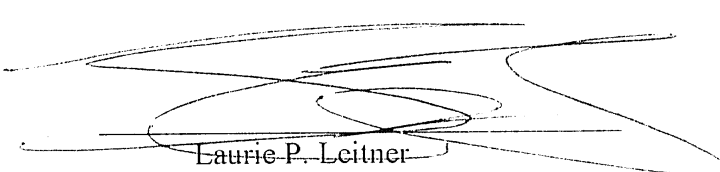
03 Civ. 8948

JUDGE SWAINE

CERTIFICATE OF SERVICE

I, Laurie P. Leitner, do hereby certify that I caused a true copy of the foregoing endorsed letter granting Defendant's request for an extension to file its reply to be served upon the following Opposing Counsel, in the following manner, and addressed in the following form on April 5, 2004:

VIA Fax; VIA Pre-Paid USPS First Class Mail
Michael Aschen
Abelman, Frayne, and Schwab
150 East 42nd Street
New York, New York 10017-5612


Laurie P. Leitner

From: 212 805 0426 Page: 2/2 Date: 4/5/2004 11:33:22 AM



1-800-271-4141
 212-805-0426
 FAX 212-805-0426
 E-MAIL: JCOLLEN@COLLENLAW.COM

April 6, 2004

Via FAX

Honorable Laura Taylor Swain
 United States District Court
 Southern District of New York
 40 Centre Street, Room 426
 New York, New York 10007-1312

FAX No.: 212-805-0426

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Viva Optique, Inc. v Contour Optik, Inc. and Aspex Eyewear, Inc.
 Civil Case: 03-cv-8948
 Our File: 88515

Dear Judge Swain:


I write on behalf of the defendant, Aspex Eyewear, Inc. We are seeking a seven (7) day extension of time to file our reply in the above captioned matter.

Lead counsel in this matter, my partner Matthew Wagner, is presently unavailable. Late this morning, Mr. Wagner advised that he was in the process of taking his wife, who is expecting a baby, to the hospital. He has since phoned to say she has been admitted and is expected to give birth today. I anticipate that Mr. Wagner will thereafter be out of the office for at least several days.

Mr. Michael Aschen, counsel for Plaintiff, has kindly stipulated to this request, pursuant to a telephone conversation this morning.

*The request is granted.***SO ORDERED.**

Respectfully,
 COLLEN /P


 2 April 2004
 LAURA TAYLOR SWAIN
 UNITED STATES DISTRICT JUDGE

Jess M. Collen

Cc: Michael Aschen, Esq.

JCM/II

88515 cover letter to the court 4-2-04

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